

<b>STATE OF MICHIGAN 6<sup>TH</sup> JUDICIAL CIRCUIT</b>	<b>ACCESS TO FRIEND OF THE COURT RECORDS</b>	<b>ADMINISTRATIVE ORDER 2018-09</b>
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This administrative order is issued in accordance with Michigan Court Rule 3.218, Access to Friend of the Court Records, effective January 1, 2014. The purpose of this order is to allow reasonable access to Friend of the Court records. Local Administrative Order 2018-09 shall be effective immediately. Local Administrative Order 2014-03 is hereby rescinded.

- A. For purposes of clarification, the general definitions from MCR 3.218 follow:
1. "records" means any case-specific information the friend of the court office maintains in any media;
  2. "access" means inspection of records, obtaining copies of records upon receipt of payment for costs of reproduction, and oral transmission by staff of information contained in Friend of the Court records;
  3. "Confidential information" includes:
    - a. staff notes;
    - b. any confidential information from the Department of Human Services child protective services unit or information included in any reports to protective services from a friend of the court office;
    - c. records from alternative dispute resolution processes, including the confidentiality of mediation records as defined by MCR 2.412;
    - d. communications from minors;
    - e. Friend of the Court grievances filed by the opposing party and the responses;
    - f. any information when release is prohibited by a court order;
    - g. except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency subject to the express written condition that it remain confidential; and
    - h. all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 *et seq.*, which include:
      - (1) information regarding the administration of programs which provide assistance or services based on need (e.g., Family Independence Payment (FIP) certification and decertification forms, or Medicaid or Food Stamp documentation;

- (2) Michigan Department of Labor records, which include wage and claim information obtained through the Absent Parent/Labor Department (APL) File Match System and stored on the Michigan Child Support Enforcement System;
- (3) Federal tax offset information, including federal tax intercept information that is stored in the Michigan Child Support Enforcement System;
- (4) Michigan Department of Labor wage and claim information pursuant to the Michigan Employment Securities Act, which includes unemployment or employment records and which is stored on the Michigan Child Support Enforcement System.

B. Oakland County Friend of the Court records.

1. The records of the Oakland County Friend of the Court are stored as electronic images. Searching this filing system requires the assistance of a Friend of the Court staff person. Correspondence and various other documents sent to the Friend of the Court prior to June 1, 1991, may no longer be in the Friend of the Court files.
2. All court orders and pleadings must be accessed at the Oakland County Clerk's Office. Certified copies may only be obtained at the Clerk's Office. Friend of the Court staff may not display or reproduce items available at the Clerk's Office. Copies of documents may be obtained subject to MCR 8.105(C).
3. Circuit Court and/or Friend of the Court records are not subject to Freedom of Information Act requests. MCL 15.232(d)(v) specifically exempts the judiciary from the Freedom of Information Act.
4. Friend of the Court records are not subject to a subpoena issued under the Michigan Court Rules. Unless another rule specifically provides for the protection or release of Friend of the Court records, MCR. 3.218 governs access to Friend of the Court records.
5. Any individual or agency that is denied access to Friend of the Court records or confidential information may file a motion for an order of access with the judge assigned to the case.
6. All information in records concerning the whereabouts of a person whose address is subject to an order of confidentiality must be removed before the records are made available pursuant to MCR 3.218.

C. Procedure for Individual Access to Friend of the Court Records.

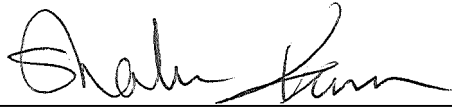
1. The following individuals may have access to Friend of the Court records, other than the confidential records listed above: party, third-party custodian, guardian or conservator; guardian ad litem or attorney for a minor, lawyer guardian ad litem, an attorney of record, and the personal representative of the estate of a party.
  - a. The Friend of the Court may also honor a request for access to records from a person identified in this paragraph to release information to a governmental agency providing services to that individual or before which an application for services is pending.
  - b. An officer in the Judge Advocate General's office in any branch of the United States military may access Friend of the Court records if the request is made on behalf of a service member on active duty who is otherwise identified in this section.
2. Requests for access to Friend of the Court records shall be addressed according to the following procedure:
  - a. An individual wishing to access Friend of the Court records shall file an Access to Friend of the Court Records and Decisions form with the Friend of the Court or designated employee. A written request for access to records made in a format other than the request form shall be accepted by the Friend of the Court if sufficient information regarding the request is provided. The person requesting access to records must verify eligibility for access pursuant to the above section.
  - b. Within five working days of the receipt of the request, the Friend of the Court or designated employee shall determine if the request for records will be honored or denied in full or in part.
  - c. Upon making a determination, the Friend of the Court or designated employee shall notify the person requesting access to records and shall facilitate access if access has been approved in full or in part. If access is denied, the Friend of the Court or designated employee will provide the reasons for denial.
3. Upon making a determination, the Friend of the Court or designated employee shall notify the person requesting access to records and shall immediately facilitate access if access has been approved, in full or in part. If access is denied, the Friend of the Court or designated employee will state the reasons for denial.

4. Costs for reproducing records is \$1.00 per page.

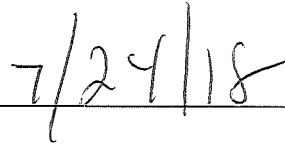
D. Procedure for Agency Access to Friend of the Court Records.

1. The agencies authorized in MCR 3.218 to have access to all confidential and nonconfidential Friend of the Court records include:
  - a. Agencies that must receive access to implement the state's plan under Title IV, Part D of the Social Security Act or as required by the court, state law, or regulation that is consistent with the state's IV-D plan. Further, other agencies that provide services under Title IV, Part D of the Social Security Act must be given access.
  - b. The Department of Human Services as necessary to report suspected abuse or neglect or to allow the Department of Human Services to investigate or provide services to a party or child in the case.
  - c. Auditors from state or federal agencies as required to perform their audit functions with regard to a Friend of the Court matter.
  - d. Corrections, parole or probation officers when, in the opinion of the Friend of the Court, access would assist the office in enforcing a custody, parenting time or support order,
  - e. Michigan law enforcement personnel who are conducting a civil or criminal investigation related directly to a Friend of the Court matter if access would assist the office in enforcing a provision of a custody, parenting time or support order.
  - f. Michigan law enforcement personnel who are conducting a civil or criminal investigation related directly to a friend of the court matter, and to federal law enforcement officers pursuant to a federal subpoena in a criminal or civil investigation.
2. Agency requests for access to Friend of the Court records shall be addressed according to the following procedure:
  - a. An agency or employee of an agency designated in MCR 3.218 wishing to access Friend of the Court records shall submit its request to the Friend of the Court in writing on agency letterhead. An auditor shall make its request in the customary manner for an audit of the type being conducted.
  - b. Within five working days of receipt of the request, the Friend of the Court or designated employee shall determine if the request will be honored or

denied, in full or in part. In the absence of advance notice by an agency that is entitled to review the records and if the immediate review of records is necessary, the Friend of the Court or designated employee should make a person available for safeguarding the contents of a file while the agency personnel are present.



SHALINA D. KUMAR  
CHIEF JUDGE



DATE

Notes:

Local Administrative Order 2018-09 was amended to remove Section E in LAO 2014-03. Section E was removed in light of the Board of Commissioners' decision to eliminate the Friend of the Court Advisory Commission. LAO 2018-09 was approved by the Circuit Judges on July 10, 2018.